

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

Bienvenido I. Lugo Marchant
Plaintiff

Civil Action No. **05-11317-NMG**
2007 MAY - 1 P 12:01

v.

Peter Tsickritzis, Kevin Kingston,
United Liquors Limited et al.
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO REVISE PRE-TRIAL MOTIONS, RULE 72 FED. R. CIV. P.

The Plaintiff respectfully submits this **Motion to Revise Pre-Trial Motions, Rule 72 Fed. R. Civ. P.** as to the Plaintiff's complaint. There are myriad of genuine reasons of material fact requiring trial and the Defendants are not entitled to summary judgement.

The Plaintiff already submitted, following an order of the Honorable USDC, all the documents in his possession, recently produced documents and depositions with an unruly Defendant-Tsickritzis. The Plaintiff believes the Defendants' actions are a mere unlawful pretext to justify their defense.

DIRECT EVIDENCE

The Plaintiff already gave the Defendants numerous documents containing direct evidence of the main elements of this civil action. The Defendants had a number of inconsistent statements where they refer to the vagueness of their policies. The Defendants are not clear when they refer to "more experienced drivers" who were hired with assistance of the Teamsters. These drivers, to my best knowledge, were not requesting anything like the Plaintiff. The Defendants unfavorably interfere with the Teamsters' helping the Plaintiff as the Plaintiff paid his dues.

DISABILITIES-SPEECH IMPAIRMENT-NATIONAL ORIGIN ACCENT

The EEOC, ADA, and US Courts see a person regarded as disabled, or a suffering that limits major life activities as practically the same. On stuttering/stammering, opposing counsel cannot comment on that for lacking medical training or experience unless they can prove otherwise.

About national origin accent, as defined by the EEOC and CRA, that is also evident. Work related accidents are valid reasons to claim these protections and remedies as the Defendants handled them dishonestly. The Plaintiff intends to vigorously prove his case.

CRA 1964 AND FMLA; "do you want to get fired so you can go and pray?"

The US Supreme Court, along with similar forums and International Courts, even ruled that people who are decided on harming US citizens and US should be respected in their religious accommodation. With their indifference, the Defendants support harassment and unlawful acts.

Mr. Kingston and Mr. Tsickritzis are very rich men oppressing a very poor man who went the extra mile to help them. White workers could take personal days with no problem. Although the Defendants could claim the Plaintiff succinctly encapsulated a FMLA request in a CRA religious accommodation, that is not truthful... nor accurate. The Defendants knew, even before this civil action, of the Plaintiff taking care of elderly people as part of his cultural traits, and religious beliefs.

REASONING FOR DENYING SUMMARY JUDGEMENT

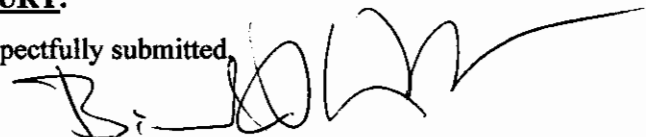
Until now, the Defendants ignore an order to produce documents authored by the Plaintiff. This record manipulation has been significant in narrowing issues. The Plaintiff still waits for them. Their motion to delay trial is nothing but backpedaling as they have more resources than the Plaintiff. It shall be denied.

The US Supreme Court had a case where a Plaintiff submitted 62 pages of direct evidence; this Plaintiff has over 200 pages of direct evidence, irrefutable facts and numerous citations from higher authority denying the Defendants a summary judgement. The Plaintiff is entitled to a denial for summary judgement in light of the US Supreme Court's ruling in *Desert Palace* and *Reeves V. Sanderson Plumbing Products, Inc.*, and the 29 C.F.R. s. 825.220(c).

WHEREFORE, the Plaintiff respectfully prays this **Honorable US Court** agrees with this **Motion to Revise Pre-Trial Motions, Rule 72 Fed. R. Civ. P.** The Plaintiff would like this **Honorable US Court** ordering the Defendants to submit a copy of the documents authored by the Plaintiff and to deny the Defendants Motion for Summary Judgement for not being sincere. The Plaintiff also would like to receive a statement of the Defendants' wealth, as this is necessary to determine punitive damages and others awards not specified at this time.

Very respectfully the Plaintiff demands **TRIAL BY JURY.**

Respectfully submitted,



Bienvenido I Lugo-Marchant

Pro se, in forma pauperis

CERTIFICATE OF SERVICE

I hereby certify that on May 4th, 2007, this document was served upon the defendant's counsel, JACKSON LEWIS, by first class mail, postage paid.